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ABSTRACT

In the study described in this paper, 221 students in beginning and senior level university journalism and law courses read descriptions of ten cases of alleged invasions of privacy by photojournalists, gave their opinions on the ethics of taking and publishing the pictures, and indicated their degree of interest in a number of topics related to journalistic and legal ethics. After describing the methodology of the study, which involved presenting approximately half the subjects with a written case questionnaire and presenting the others with the questionnaire along with the relevant photographs, the paper discusses the issue of uncertainty in decision making and tells how it was assessed in the study. It then reports general findings, noting differences between the responses of beginning and advanced journalism and law students, the responses of males and females, and the responses of the students and a group of practicing photojournalists studied previously. Next--in its major portion--the paper provides a case-by-case analysis in which each case is summarized and the subjects' responses are reported in narrative and tabular form. The paper concludes that the differences between journalism and law students are not as great as might be expected, particularly among beginning students. It also notes that viewing the relevant case photographs made no significant differences in students' responses. (GT)

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ETHICAL ISSUES FOR PHOTOJOURNALISTS: A COMPARATIVE STUDY OF THE PERSPECTIVES OF JOURNALISM STUDENTS AND LAW STUDENTS

by

Mary K. Remole, M.A.
5011 28th Ave. South
Minneapolis, MN 55417

James W. Brown, Ph.D.
School of Journalism &
Mass Communication
Minneapolis, MN 55455

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Mary K. Remole recently finished her M.A. in Photographic Communication in the School of Journalism and Mass Communication, University of Minnesota. James W. Brown is Associate Professor and Director of Photographic Communication, University of Minnesota.

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Introduction

Two of the fundamental precepts of American democracy are the concept of freedom of speech, and within that, a free press, and the concept of a fair trial. Often there is a conflict in the implementation of those basic First and Sixth Amendment rights. The law states that every person is entitled to a fair trial and privacy rights. In order to assure those, the press is oftentimes barred from court. The press, on the other hand, maintains that the public has a right to know information that may affect them and requires access for honest reportage. Thus, a conflict of interest often results.

Over the years, litigation has ruled in favor of one amendment at the expense of the other, and then later the decision is reversed. A recent court decision has given the courts access to a journalist's mind in the editorial decision-making process. It was ruled in Herbert v. Lando that all notes and conversations regarding any editorial decision could and would be turned over to the court if needed as state's evidence or to assure that there was no malicious intent in writing an article. Herbert v. Lando, 99 S.Ct. 1635 (1979).

The photojournalist is no less threatened than his reporter colleague. The camera intrudes into a person's privacy, according to proponents of the Sixth Amendment, while those upholding the First Amendment claim that it is within the photojournalist's right to obtain news. However, in Williamson (1973), Gordon warns that: "It is difficult to summarize exactly where a photographer's legal rights

stand at this moment. Like other aspects of the law-journalism relationship, the situation is changing and evolving very rapidly." (P. 7)

Gordon continues: "There is a need for news personnel to be particularly conscious these days of their own code of ethics and standards of performance. Particular care needs to be taken not to intrude needlessly on an individual's privacy or go beyond 'the ordinary decencies.' " (P. 13)

That the journalism profession itself be concerned with this is paramount. In a recent special Journalism History issue on Ethics, Fortner (1978) cautions that while the journalism field has traditionally relied on a constructionist view of the Constitution to protect itself it must be responsible for its own actions. He warns that it must be reasonable and ethical in the championing of its more liberal responsibilities, i.e., its gatekeeper and watchdog roles.

The legal profession also has no clear guidelines on these constitutional problems. Supreme Court justice Potter Stewart wrote in 1974:

> The press is free to do battle against secrecy and deception in government. But the press cannot expect from the Constitution any guarantees that it will succeed. There is no Constitutional right to have access to particular government information, or to require openness from the bureaucracy. The public's interest in government is protected by the guarantee of a Free Press, but the protection is indirect. The Constitution is neither a Freedom of Information Act nor an Official Secrets Act. The Constitution, in other words, establishes the contest, not its resolution. We must rely on the tug and pull of the political forces in American society. (P. 64)

In short, he throws the question back to a society of thinking individuals. What then, are individuals basing this

decision on? There is just the beginnings of a recognized need for research on this topic.

Sociological research supports this. According to Bensman and Lilienfeld (1973), "All those who would attempt to assess the objectivity or truth of a position are themselves socially and positionally determined, so that they lack the objectivity or the epistemological freedom to assess the truth or objectivity of a position from any other position than that of their own limitations."

Different occupations have different value parameters and each person must operate within those predefined limits. They continue, writing on occupational attitudes, "the specialization in the handling of different materials (occupations) creates habits of mind, attitudes, and loyalties which give each occupation its specific character, and which then go beyond that character....The craft attitudes are also interlocked with interests and attitudes which are based on the historical success of the occupation in developing its professional acceptance and claims in the society at large. The occupational attitudes are linked to the success of the occupation, in establishing an occupational legitimacy for those members." (P. 337)

But at no time have any authors in the literature mentioned the role of the photojournalist in either the Constitutional or occupational orientation writings. With the visual media playing a greater role in information dissemination this

absence is both a concern and disturbing.

Mundt and Broussard's recent study, "The Prying Eye: Ethics of Photojournalism", (1979) laid the groundwork for this study. They showed that there were differences in ethical decisions between the ranks of photojournalists themselves. Broadcast photojournalists were much more conservative in situations that could be construed as invasions of privacy than were their newspaper counterparts.

Their study describes eight brief descriptions of alleged invasions of privacy by photojournalists in both the electronic and print media. The eight were chosen to represent the four torts, or injuries, which together compose privacy law. A nation-wide survey was conducted in which 700 questionnaires were sent to practitioners in both media channels, and to journalism educators. In all cases, they were asked whether the actions were ethical according to the standards of journalism.

It was found that in seven of eight cases the broadcast journalists were far more conservative than their newspaper counterparts in their ethical standards. In the eighth case, both groups were of the same opinion. The differences in ethical standards were attributed to both the bulkiness of the electronic media and the fact that broadcast photojournalists do not have the heritage of the First Amendment to fall back on. It should be noted that no measures of significance were applied to the obtained differences, and for that reason the study's conclusions are tenuous.

Is this phenomena true without exception for these

adversarial professions? What about the vast majority of the population in neither profession -- which profession influences them? How much is one influenced by the socialization of one's profession and how much of the decision can be made free of any Constitutional biases? This study expands Mundt and Broussard's research and makes some distinctions between the professional parameters of the journalism and legal professions. One question asked was: Is conflict a result of professional training and orientation? Additionally, does a visual image make a difference in how a person would respond to an ethical situation?

From this broad conceptual framework four hypotheses were constructed.

Hypotheses

H_1: Seeing a visual representation of the case would make a difference in how the ethics of the case were determined by the respondent.

H_2: Decisions on ethics would determine whether the respondent would be willing to carry out (action) the same journalistic procedure.

H_3: Differences in viewpoint on ethical journalism issues are associated with professional training and orientation.

H_4: The greater the level of professional training, the greater the level of uncertainty in making decisions about ethical issues.

Subjects

Respondents were drawn from beginning and senior level journalism students at the University and from first and third year law students from the University's three year law school. The journalism courses were Introduction to Visual Communication (IVC)(N=52), Mass Communication Law (MCL)(N=38), Contemporary Problems in Freedom of Speech and Press (AdvMCL)(N=20). The law classes were Civil Procedure (BegL)(N=54) and Regulation of the Legal Profession (AdvL)(N=57).

The Visual Communication course is required of anyone who intends to major in journalism. Most students in that group have had no previous journalism coursework of any kind.

The senior level jouralism students comprised two classes; the first group had had the standard Mass Communication law course where journalism ethics and standards were discussed, the second group dealt directly with freedom of speech and press issues.

The beginning law class was composed of first year law students who had had torts, but nothing dealing with the Constitution, criminal offenses or free press-fair trial issues. The third year class was currently enrolled in a Legal Professions course where they discussed the ethical parameters of the legal profession. They had also had Constitutional law, where First and Sixth amendment rights were discussed.

Methodology

Data were collected by survey questionnaire.* Ten cases

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* Limited copies of the questionnaire are available from the authors.

were used in the study. Four were taken from Mundt and Broussard (1979) which specifically represented the four injurious torts which together compose the law of privacy -- invasion of privacy by unreasonable intrusion upon another's seclusion, unreasonable disclosure of private facts, unreasonable publicity which places another in a false light, and alleged appropriation of another's name or image.

Another three cases were taken from News Photographer magazine, two were taken from Gillmor and Barron Case Law, and one case was taken from News Media and the Law. In all examples, the actual situations were rewritten to describe a similar hypothetical situation.

Pictures were obtained in seven out of the ten cases by writing to the publication or person involved. In Cases 8, 9, and 10 the pictures were unobtainable. In Case 8 the newspaper did not have the requested photo in their possession, in Case 9 Mohammed Ali did not acknowledge our correspondence, and in Case 10 the issue was under litigation and the editor was not at liberty to release the photograph.

Approximately half of the subjects received a written case questionnaire. Others viewed the photographs associated with seven of the cases. The photographs were 35mm slides and were projected for group viewing. The questionnaire required 30 minutes to complete with the visual treatment slightly longer.

In thinking about each case, the respondent was asked whether the photographer/journalist, or editor acted ethically in carrying out his task. Then, they were asked to give a reason for their response. Next, they were asked to estimate on a one to ten scale the "sureness" of their ethical decision. The last question they were asked was whether they would be willing to carry out the same course of action as the person in question.

In two of the cases they were asked to make a distinction between the ethics of taking the picture and the ethics of publishing the picture. An additional question concerning "newsworthiness" was asked in these same two cases with opinions indicated on a five point scale of "not newsworthy" to "very newsworthy."

At the end of the survey the respondents were asked to answer, again on a five point scale (strongly disinterested to strongly interested) their interest in: photojournalism, journalism ethics, legal ethics, a free press, an individual's right to privacy, and the free press/fair trial controversy. Finally, they were asked to decide which was more important to them, a free press or a fair trial. They were directed to make their response on a seven point scale, with "free press" at one end and "fair trial" at the other. The middle space, represented neutrality or "equal importance."

Finally, each respondent was asked to provide demographic information, i.e., age, sex, degrees obtained or in progress,

professional coursework completed, and any outside experience pertinent to their chosen profession. Respondents were assured of their anonymity.

Uncertainty -- A Major Variable in Decision-Making

The Mundt and Broussard (1979) study using case studies of ethical issues in photojournalism asked subjects to respond "yes" or "no" to the question, "According to standards of journalism, has the photographer* acted ethically?" Personally held ethics are used as a basis for decision-making. On-the-job decisions are often dichotomous decisions. That is, action is taken or not taken. Asking for a "yes" or "no" decision is appropriate when discussing ethics of professional journalists because they must often face these issues in the field or editor's office and take some course of action. These decisions have implications for readers and viewers regarding what news is disseminated in situations which often involve privacy of individuals. Sometimes these decisions are made with advice of corporate legal counsel. With the law constantly changing from actions of legislatures or courts, journalists are often faced with making decisions under varying degrees of uncertainty.

In the past ten years, much attention has been focused on decision-making in organizations. Organizational theorists have

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* The person active in the cases used was changed as the individual cases dictated. For example, photographer, newsfilm team, cameraman, and publisher were used.

suggested the importance of environment and the degree of uncertainty about the environment as major variables in organizational analysis. Connolly (1972) found that uncertainty was multi-dimensional in a communication process and consisted of the following types:

> Factual uncertainty -- uncertainty as to the content, number, or range of the action alternatives between which they are to decide.
>
> Inherent uncertainty -- uncertainty as to the outcomes, benefits, or costs of selecting one or more of these alternatives.
>
> Criterion uncertainty -- uncertainty as to the content, relative importance, or operationality of the criteria they are to apply in selecting a preferred action alternative.
>
> Computational uncertainty -- uncertainty as to the means of combining information inputs of alternatives, outcomes, and criteria into a preference ordering of the various alternatives.
>
> Organization uncertainty -- uncertainty as to the organizational roles and relationships they should establish for carrying out the decision process. (P. 113)

Connolly discussed felt uncertainty from the viewpoint of participants of a diffuse decision process. This process was defined as several individuals, separated by physical distance and organizational position, who are actively involved with one another over an extended time period. A television or newspaper newsroom fits these criteria and it is reasonable to assume that some form of multi-dimensional uncertainty exists in journalistic environments.

A very useful concept in the study of ethics would be a measure of decisional uncertainty in elaboration of dichotomous

decisions. Such a measure would indicate the degree of difficulty individuals are having in deciding the appropriateness of a course of action. Duncan (1972) developed a multi-dimensional measure of uncertainty which has been used by others in organizational contexts (Downey, Hellriegel, & Slocum, 1975; _____, 1977) One component of Duncan's measure was used in the present study. Each case study required subjects to respond "yes" or "no" to two kinds of questions: was the situation ethical, and, would you pursue the same course of action as the journalist involved in the case? Following the response, subjects were asked how sure they were about the correctness of their decision. The response scale was from 0 to 10 (0 was completely unsure and 10 was completely sure). In deciding their response subjects were asked to indicate the lowest and highest numbers considered. These numbers provided a range surrounding the "sureness" estimate. A measure of decisional uncertainty was calculated in the following fashion:

$$U = S\ (10 - R), \text{ where:}$$

U = Decisional uncertainty

S = Sureness about ethical or action decisions in case studies

R = Range of sureness estimate

The possible range of U was 0 to 100 with 0 indicating high decisional uncertainty and 100 indicating low decisional uncertainty. The data show that the various U's had wide distributions, closely approximating normality, in each of the subject groups.

General Findings

Surprisingly the ethical responses in this study were far from consistent with the earlier Mundt and Broussard (1979) results. On a case by case comparison for the four cases that were exactly duplicated, the present "Yes" ethical responses averaged 25% higher in three of the cases (Case 1, Case 2, and Case 6). (See Table 1) In Case 9, the students had a 3% higher positive response than did the professionals. If the journalism students were isolated as a class the response was consistent with the 25%.

Although the questionnaire was worded slightly differently, that alone was not enough to account for the significant difference. In the Mundt and Broussard study respondents were asked: "According to the standards of journalism, has the photographer acted ethically?" The students in the present study were asked: "Did the photographer act ethically?", since law students would not be familiar with "journalism standards."

Is the difference attributable to the greater liberalism generally professed among students and possible concurrent idealisms about their profession? If so, what happens in the working world to change the response so significantly? Is it that the threat of suit is more real than it is in school or is it that someone who has been working in the profession makes an ethical decision that is more sensitive to human considerations?

Why were the law students consistently higher in their response too? Theirs too could probably be attributed to student liberalism rather than idealism about their profession. If they

TABLE 1 CLASS BY CASE "YES-NO" RESPONSES FOR ETHICS AND ACTION DECISIONS

Class

Mundt and Broussard "Yes-No" Ethical Responses

Case		Introduction to Visual Communication N=52		Mass Communication Law N=38		Advanced Mass Communication Law N=20		Beginning Law N=54		Advanced Law N=57		TV Photographers		Newspaper Photographers		All Respondents	
		Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
1	Ethics	52%*	46%	54%	47%	45%	55%	47%	53%	61%	39%	24%	76%	24%	76%	23%	78%
	Action	37%	62%	42%	58%	50%	50%	40%	60%	35%	65%						
2	Ethics	31%	69%	13%	87%	25%	75%	19%	82%	19%	81%	8%	93%	16%	85%	13%	87%
	Action	28%	73%	11%	90%	25%	75%	7%	93%	11%	39%						
3	Ethics	40%	58%	18%	82%	35%	65%	26%	74%	32%	68%						
	Action	39%	61%	18%	82%	5%	95%	17%	83%	9%	91%						
4	Ethics	81%	19%	76%	24%	60%	40%	61%	39%	32%	67%						
	Action	75%	25%	71%	29%	45%	55%	47%	51%	28%	68%						
5 - Publish Picture																	
	Ethics	75%	25%	76%	24%	80%	20%	93%	7%	96%	4%						
	Action	56%	42%	61%	40%	63%	32%	77%	20%	81%	16%						
5 - Release Negatives																	
	Ethics	85%	15%	70%	30%	70%	30%	89%	11%	93%	9%						
	Action	83%	17%	73%	27%	55%	45%	89%	11%	93%	93%						
6 - Take Picture																	
	Ethics	74%	26%	78%	22%	85%	15%	70%	30%	79%	21%	54%	46%	59%	41%	57%	43%
	Action	69%	29%	60%	38%	90%	10%	58%	42%	68%	30%						
6 - Publish Picture																	
	Ethics	26%	74%	16%	84%	20%	80%	15%	85%	12%	86%						
	Action	18%	80%	14%	87%	16%	84%	9%	91%	7%	93%						

TABLE 1 (continued)

Case	Class: Introduction to Visual Communication N=52		Mass Communication Law N=38		Advanced Mass Communication Law N=20		Beginning Law N=54		Advanced Law N=57		Mundt and Broussard "Yes-No" Ethical Responses: TV Photographers		Newspaper Photographers		All Respondents	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
7 - Take Picture																
Ethics	90%	10%	87%	14%	100%	0%	91%	9%	95%	4%						
Action	76%	22%	76%	21%	65%	35%	70%	30%	72%	26%						
7 - Publish Picture																
Ethics	79%	19%	68%	32%	79%	21%	68%	30%	67%	30%						
Action	78%	18%	60%	40%	74%	21%	64%	37%	52%	48%						
8 Ethics	4%	96%	0%	100%	0%	100%	0%	100%	2%	98%						
8 Action	0%	100%	3%	97%	0%	100%	0%	100%	2%	98%						
9 Ethics	32%	68%	33%	67%	5%	95%	17%	83%	16%	84%	18%	83%	24%	76%	16%	84%
9 Action	23%	77%	33%	67%	10%	90%	7%	93%	4%	95%						
10 Ethics	92%	8%	97%	3%	95%	5%	82%	17%	85%	10%						
10 Action	86%	14%	97%	3%	75%	25%	70%	27%	80%	18%						

N = number of respondents

*note: Yes-No percentages may not total 100%. A small number indicated "Don't know" or "Maybe".

were that idealistic about their own profession, their responses probably would have been significantly lower than the journalists' in those select cases. Only Case 9 exhibited this trend, where there was a direct invasion of privacy and appropriation of name involved. One wonders how practicing lawyers would have considered these questions.

The visual treatment made no significant difference in the responses people made to the ethics decision, surprising the authors. Even in the Gallela v. Onassis case, where a picture of Gallela hounding Jackie Onassis is clearly recognizeable, there was no significant difference. This was true even in the MCL subject group where the respondents had studied this case. It was also true in the other four classes where no previous association was made with the celebrity.

Visual orientation only made a significant difference in the ethics-action response in three instances (out of a possible 130). In all three cases it was the most advanced classes (AdvMCL and AdvL) that exhibited the significant difference.

Nor did the visuals make any significant difference in the amount of uncertainty respondents expressed. Uncertainty was a significant element only four times out of a possible 65 cross tabulations with the visual treatment. There was no consistent direction in these four associations. Two of the relationships associated the visual treatment with high decisional uncertainty on the ethical decision, the other two with low uncertainty. Thus, H_1 was no supported. One wonders whether we are still basically a verbal society more accustomed to making decisions on

the basis of written rather than visual information. If so, why does television have such an impact on violence? Or is the reason attributable to the photojournalist's adage that "words and pictures" together make the impact? It is not known whether subjects looked at the photographs or read the case study first. Both were presented simultaneously.

There were very high positive associations between ethical decisions and action decisions throughout the study. Those who said the photographer's actions were ethical also said that they would carry out a similar course of action. Those who said that the behavior was unethical also said they would not do so themselves, supporting H_2.

However, there was a consistent trend towards conservatism on the respondents' own actions decisions. Generally, there were fewer people in every class who said they would do the action themselves than those who said that the photographer's actions were ethical. This suggests some unmeasured uncertainty about the respondents' actions. Many times it is easier and certainly safer to pass the onus of responsibility onto someone else rather than yourself.

Does this reflect the large difference between the ethics response of the students in the present study compared to Mundt and Broussard's findings? The prior study's respondents were in the professional world where the responsibility stops with the photographer (or other professional journalist) involved. Many of the students also indicated a lower willingness to carry out the action themselves, reflecting a breaking away from the ideals

of the journalism profession (the ethical decision about the photographer's action) where it was an intellectual decision, toward a more realistic evaluation of their own capabilities to carry out a similar action. This perhaps, more than anything else, shows just how hard these decisions are to make.

There was a strong correlation between the professional orientation of the two professions and the strength of the response they gave on the general ethics interest questions. Each respondent was asked to indicate his interest level on a five point scale for photojournalism ethics, journalism ethics, legal ethics, a free press, the right of privacy, and their interest in the free press-fair trial issue. A "5" indicated "very interested" while a "1" indicated "very disinterested."

As expected the IVC class had the highest interest in photojournalism ethics. Journalism students as a group had a much higher interest in this issue than the law students. Also expected, the journalism students had a higher interest in journalism ethics than did the law students.

Conversely, the law students had a higher response on legal ethics interest than did the journalists. Surprisingly though, the BegL students had a higher interest than did their senior level colleagues who were presently enrolled in a class called "Legal Professions". Again, is the professional ideal different from the reality or are the senior students just more pragmatic, looking at the impending job market and not at what might or should be done in the profession?

This difference between the two law classes shows up again in the free press issue. The beginning class had a higher interest in free press than did the advanced class perhaps reflecting that the Constitutional Law course and the Professional Ethics course taken by the advanced students had given them a stronger orientation to the personal rights they were being trained to protect.

The MCL group had a stronger interest in a free press than did the advanced law students which is also consistent. The MCL class studied the issues directly and although the AdvL class also studied ethics, that class was strongly oriented toward the legal profession.

The AdvL class also expressed a significantly higher interest in free press than did the IVC class. This could be indicative of their greater sensitivity toward constitutional issues. The IVC class has had no journalism training other than that introductory course.

Within this AdvL class and the free press issue there was an interesting difference between the sexes. Males indicated a significantly stronger interest than did females on this issue ($p < .04$).

The law classes also had a higher interest in the right of privacy than the journalists which is consistent with their professional orientation. There was also a significant difference between the AdvMCL class and the MCL class within the journalism groups. The AdvMCL class expressed a higher interest in privacy than did the MCL class. This is consistent with the

trends shown by this sample group in the individual cases. They were strongly oriented toward privacy interpretations.

There were no significant trends exhibited between the classes over the free press-fair trial controversy. Additionally, in every issue discussed, all of the respondents averaged at least a "three" response. Most classes as a group averaged a "high four", indicating a strong interest in all these issues among both professions.

The last question respondents were asked was whether they were more interested in a free press or a fair trial. A "one" indicated free press and a "seven" indicated fair trial, with "four" being a middle response indicating neutrality. As a group, the law classes averaged 5.2, slightly toward the fair trial end of the scale. The journalists averaged 4.4, almost neutral, perhaps indicating that in their striving for journalistic "objectivity" they had been trained to look at both sides and take a middle stance.

The journalism classes also indicated a higher overall newsworthiness rating in Cases 6 and 7 than did the law students, supporting that profession's orientation toward news and the public's right to know.

Thus H_3 is supported with different viewpoints on ethical issues associated with professional training and orientation. However, when pressed to make a distinction between their overriding interest in a free press or a fair trial the group means (4.4 and 5.2) between the professions were very close, suggesting

that the two professions may be closer on these issues than public opinion indicates. Many in both professional schools remarked that "You can't have a free press without a fair trial," and conversely, that "You can't have a fair trial and a democracy without a free press."

Within the ethics decisions of each case the law classes also had a tendency to make finer distinctions in their reasoning and cited more reasons for their response as a group than did the journalists. They also drew a distinction between the actual ethics involved in the case and the legality of the actions, which they claimed were sometimes two separate issues. The journalism students were not as apt to make these distinctions.

This is also consistent with the way they have been trained to think as a profession. Law students are taught to look for the fine distinctions in a situation while a journalist is taught to look at the larger picture, drawing inferences and generalizations for their audience as a way of explaining society's actions to a sometimes confused readership.

This distinction was evidenced by the reasons each profession as a group gave for their ethical decisions. It is interesting to note that the entire sample group gave the same broad categorical reasons for each case but distinctions were made between the professions by how they interpreted and explained that reason. For example, "law" was given as a positive and negative reason in Case 4 by the different professions. The distinctions generally reflected their professional orientations.

As a group the law students expressed a higher level of uncertainty about their decisions, and took longer to complete the questionnaire. The advanced law students were more uncertain than their junior level colleagues supporting H_4 that there is a greater level of uncertainty as the amount of professional training increases.

However, this trend was reversed among the journalism classes. The AdvMCL had less uncertainty than did the IVC and MCL classes. However, if MCL and AdvMCL are taken together as a more advanced group than the IVC class, who has had no journalism training, then that upper level group experienced more total uncertainty than did the most beginning journalism class, supporting H_4.

As a group the female respondents in each profession experienced a significantly higher degree of uncertainty about their ethical decisions than their male colleagues. This uncertainty was more pronounced among the female journalists than the female law students. This can probably be explained by the different professional orientations, where lawyers are trained to take a position and make a decision whereas journalists are trained to look at both sides of an issue and not take a position, at least publicly, so they can report events honestly and fairly.

Case by Case Analysis

In each of the following ten cases, the original litigated case or real life experience that the hypothetical case was drawn from will be described first. Then a synposis of the case as it was used will follow.

Case 1

Sports Illustrated magazine, in its issue of August 5, 1974 published a photograph of John Neff as he danced about on a dugout from which the Pittsburg Steelers were soon to emerge. Neff's picture was taken with his fly open as the photographer waited for the Steelers to appear. The publisher argued that the picture was taken with Neff's full knowledge and consent; Neff argued the reverse. The court found that the photograph had been taken with Neff's active encouragement and participation, and the court granted the publisher's motion for a summary judgment. Neff v. Time, 406 F. Supp. 858 (1975)

> A magazine photographer takes a picture of a sports fan during a football game in a large metropolitan area. The fan knows the photographer's occupation and that he is taking the fan's picture. The fan's fly is open, and the picture is used to illustrate an article entitled, "A Strange Kind of Love."

As a group the journalism students had a 50% averaged "yes" response when questioned about the photographer's ethics in taking the picture (Table 1). The AdvMCL class was slightly below the other classes (45%). In both the IVC class and the MCL class the overriding reason for the ethical decision was "Consent."

Many felt that the fan intrinsically gave his consent because he was in a public place and knew the photographer was taking pictures. Others felt that his written "Consent" should have been obtained.

As the journalism classes advanced, "Privacy" became an issue. MCL has "Privacy" cited as the second most prevalent response and AdvMCL has it as its primary reason, perhaps reflecting its lower 45% positive response. Many in this class felt that the man's privacy rights were violated.

The law classes were farther apart. Only 47% of the BegL class said that the photograph was ethical while 61% of the AdvL class gave a "Yes" response. Many in the BegL class also cited "Consent," again associating it with a low positive response. The AdvL class stated "Photographer's Rights" as the primary response and then "Consent" which can probably be associated with the larger affirmative response (61%). It is interesting that the AdvL class was the only class which made this distinction.

There was a significant difference in the AdvL response in the visual and nonvisual treatment. Most of the nonvisual group said that the photographer had not acted ethically in taking the picture, whereas the majority of those actually seeing the picture said that he had acted ethically. Many stated that the picture was "not that offensive" and that the copy sounded far worse than the actual situation depicted by the picture.

Similarly, the AdvMCL class drew a distinction in this

case based on the differing visual-nonvisual treatment. It affected their action response rather than their ethical response. Those seeing the picture said they would take the picture, while those not seeing the picture said they would not.

Seeing the picture must have made some difference in both classes responses. Many people in these classes also made the comment that "the picture really wasn't as bad as the copy sounded." Both classes were sophisticated in their interpretation of the law.

When asked whether they would follow the same course of action only 37% of the IVC and 42% of the MCL class said that they would do the same. However 53% of these people said that it was ethical for the photographer to take the picture. The AdvMCL class had 50% of the respondents say they would do the same thing, the highest in the journalism group. However only 45% of this group said the photographer was ethical in his actions.

As a whole the journalism classes had an increasing percentage indicating they would take the action as the level of the class increased, perhaps reflecting their interpretation of journalism ethics and case law. Many deemed this a "photographer's right" to photograph since the fan was in a public place, but drew a distinction that perhaps the photograph should not have been published.

It is interesting to note that the AdvMCL class had a

higher percentage of people saying they would actually carry out a similar course of action than those who said that the photographer was ethical in carrying out his action.

Both law classes had a lower number of respondents say they would actually do the same thing as the photographer (40% for BegL and 35% for AdvL) (Table 1). It is interesting to note the law students seem to become more cautious about their own actions in this case as their training goes on. The AdvL class had almost twice as many people say that the photographer was ethical than those who would take the picture themselves.

However, the people in the AdvL class who said they would not take the picture themselves had a significantly higher degree of uncertainty about that decision than those saying "yes." The "no" group had a mean uncertainty of 51.3 and the "yes" a mean uncertainty of 67.8, with 0 being high decisional uncertainty and 100 being low decisional uncertainty (Table 2). Those saying "no" were not entirely convinced that they too wouldn't take the picture.

There was a significant difference ($p < .02$) in the way men and women responded to this case in the MCL class. In this instance, 76% of the men said that the photographer was ethical (Table 3) and correspondingly most of the men (64%) also said that they would take the picture (Table 4). A significant percentage (66%) of the women, however, said that the photographer was <u>not</u> ethical and most women (76%) also said that they would not take the picture (Table 4). It is inter-

TABLE 2 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 1 ACTION DECISION FOR ADVANCED LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	37	51.3	-2.84	.001
Yes	20	67.8		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 3 ETHICAL DECISION IN CASE 1 BY SEX FOR MASS COMMUNICATION LAW STUDENTS

	Ethics Decision		
Sex	No	Yes	Total
Male	4	13	17
Female	14	7	21
Total	18	20	38

corrected Chi square statistic = 5.38 ($p < .02$)
Kendall's Tab B = -.43 ($p < .001$)
Contingency Coefficient = .39

TABLE 4 ACTION DECISION IN CASE 1 BY SEX FOR MASS COMMUNICATION LAW STUDENTS

	Action Decision		
Sex	No	Yes	Total
Male	6	11	17
Female	16	5	21
Total	22	16	38

Corrected Chi square statistic = 4.87 ($p < .021$)
Kendall's Tab B = -.41 ($p < .001$)
Contingency Coefficient = .38

esting to note that this distinction did not show up in any other classes.

Case 2

A picture of John and Sheila Gill appeared in the May 1949 issue of Ladies Home Journal. Taken without their consent, it showed them as they sat cheek to cheek on the customer's side of the counter at their ice cream stand in Los Angeles. A caption identified their relationship as an example of love at first sight, termed "A Bad Risk." The article referred to love at first sight as founded upon 100% sex attraction. The Gills complained they were depicted as dissolute and immoral persons, whereas they were happily married and of high moral reputation. Curtis Publishing Co. contended that the photograph served the public interest and did not seriously interfere with the plaintiff's privacy. The California Supreme Court held that the photograph was not newsworthy, that the public interest did not require publication without consent, and that the photograph falsely depicted the plaintiffs and disregarded their rights. Gill v. Curtis Publishing Co. 239 F. 2d 630 (1952)

> A magazine publisher illustrates an article on the bad risks of love at first sight (100% sex attraction) with a picture of a man and wife seated at a public lunch counter, cheek to cheek. The picture was taken without the knowledge of the couple and used without their consent.

The overall tendency in all the classes was to respond "No" to this case both in terms of the ethics involved and their own actions (Table 1). Most gave "No Consent" and "Invasion of

Privacy" as reasons for their response. The IVC class had the lowest of "No" response (69%) in both ethics and action, whereas the MCL class had the highest "No" response for ethics, perhaps reflecting their familiarity with the consent issue studied in MCL, the course these respondents were drawn from (Table 2). Both law classes had very similar "No" responses (approximately 82%) second only to the MCL class (Table 2), suggesting that they too are aware of the consent issue involved.

Within the BegL class there was a significant difference in the uncertainty level of the majority who said "No" and the few who said "Yes." (Table 5)

While most of the respondents said "No" and exhibited a low degree of uncertainty (59.7%) the few saying "Yes" were more uncertain about their response (41.2%) perhaps reflecting at least a consideration of a more negative response. There were a number of people in this group who said they needed more information to make a decision.

In all classes most respondents said they would not take the picture themselves (Table 1). The AdvMCL class had an equal number of respondents say they would not take the picture as those saying the photographer's actions were not ethical.

The MCL group experienced a significant difference in the amount of uncertainty between the visual and nonvisual group. Those seeing the picture had a much lower degree of uncertainty (71%) than those not seeing the picture (53%) reflecting the said opinion that the picture wasn't as offensive as the copy

TABLE 5 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 2 ETHICS DECISION FOR BEGINNING LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	44	59.7	2.52	.015
Yes	10	41.2		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

alone sounded (Table 6).

In two of the classes there were significant differences between the ethical response given by the two sexes. In MCL all the women said "No," whereas only 70% of the men said "No" ($p < .02$). (Table 7) However, in the BegL class more men (91%) than women (63%) said "No" ($p < .03$) (Table 8). However, there was no siginficant difference in the amount of uncertainty experienced by either sex in those decisions.

Case 3

Ronald Gallela, a freelance photographer, makes a modest living photographing celebrities, mostly Jacqueline Kennedy Onassis. In his efforts to secure pictures he pursued Onassis and her children, alledgedly causing them undue trouble, trauma, and emotional harassment. Onassis sued and the court ruled that the photographer's activities were not protected by the First Amendment. Rather his actions constituted actionable assault, battery, and harassment, violation of common law and Onassis' constitutional rights to privacy, and tortious infliction of emotional distress. Gallela v. Onassis, 353 F. Supp. 196 (1972).

> A freelance photographer who makes his living photographing public persons followed a woman and her family around during their daily activities over a long period of time. All the pictures were taken on public property. The photographer was so persistent that the family felt they had become the prey of the camera. The woman sued for damages stating that the photographer caused her family excessive trouble, trauma, and emotional harassment.

This case was generally recognized as the "Gallela" case by most MCL students and some of the BegL students. This

TABLE 6 THE RELATIONSHIP BETWEEN THE VISUAL UNCERTAINTY AND THE NON VISUAL UNCERTAINTY OF MASS COMMUNICATION LAW STUDENTS FOR THE CASE 2 ETHICS DECISION

Group	Number of Cases	Mean*	T Value	p Value
NON VISUAL	24	53.3	-2.14	.04
VISUAL	14	71.0		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 7 ETHICAL DECISION IN CASE 2 BY SEX FOR MASS COMMUNICATION LAW STUDENTS

	Ethics Decision		
Sex	No	Yes	Total
Male	12	5	17
Female	21	0	21
Total	33	5	38

Corrected Chi square statistic = 4.77 ($p < .02$)
Kendall's Tau B = -.43 ($p < .001$)
Contingency Coefficient = .39

TABLE 8 ETHICS DECISION IN CASE 2 BY SEX FOR BEGINNING LAW STUDENTS

	Ethics Decision		
Sex	No	Yes	Total
Male	31	3	34
Female	12	7	19
Total	43	10	53

Corrected Chi square = 4.55 ($p < .03$)
Kendall's Tau B = .34 ($p < .00$)
Contingency Coefficient = .32

is probably reflected in the significantly higher negative response in the MCL group (82%) (Table 1).

The trend through the journalism classes was for the negative response rate to increase, from 58% in IVC to 65% in AdvMCL, with the more familiar MCL class expressing an 82% negative response (Table 1). The trend decreased slightly between the law classes with the BegL class exhibiting a slightly stronger negative response, perhaps again reflecting their familiarity with the case (Table 1). Both law classes had a higher negative response than the journalism classes, with the exception of the MCL class where they had specifically studied the case (Table 1).

This difference between classes may be explained by the reasons people gave for their response. While all stated that "Privacy" and "Lack of Consent" were the primary issues involved, many of the journalism students also said that Onassis waived her rights when she became a public person. The law students were not as apt to make that judgment.

There was a significant association between the ethics decision and the action decision in this case. Those who said it was unethical to take the picture also said they would not take the picture themselves (Table 1).

The AdvMCL class had the highest negative response on action with 95% of the respondents saying that they would not follow a similar course of action (Table 1). The AdvL class had 91% say they would not take the picture. This is indicative of the advanced students' knowledge of privacy rights in both professions (Table 1).

Within this AdvL class the women experienced a higher level of uncertainty when making their decisions than the men ($p < .04$) (Table 9). Is it because they identified with the subject because of sex or is it that the subject was described as a "public person" that was causing the indecision among the female respondents?

IVC class had the highest number of "Yes" responses in both ethics and action (40% and 39% respectively) (Table 1) of any classes, perhaps reflecting yet unformed journalism standards.

The visual treatment made no difference in this case, which is somewhat unusual. Onassis' picture was shown, and she was clearly recognizeable, although her face was covered. This should have been one of the strongest cases to determine a visual association and emotional response. It didn't make any significant difference and could possibly strongly support the conslusions in the general findings that seeing a visual does not strongly influence one's decisions on ethics or action.

Case 4

Wayne Scarberry, a University of West Virginia journalism major, covered the trial of convicted murderer Eugene Paul Clawson. Scarberry was asked to take pictures for his University's paper. Aware of Canon 35, he shot a picture of the defendant from the

TABLE 9 THE RELATIONSHIP BETWEEN UNCERTAINTY AND SEX FOR ADVANCED LAW STUDENTS IN THE CASE 3 ETHICS DECISION

Sex	Number of Cases	Mean*	T Value	p Value
Male	36	61.6	2.07	.04
Female	21	48.5		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

hallway outside the courtroom while the court was not in session. The defendant was shown sitting at a table with his attorney. Scarberry had been warned by a judge and the bailiff not to take pictures when the court was in session but at no time did anyone say he could not take pictures from the hallway. A free-lance photographer from the Associated Press (AP) had done the same thing during a competency trial for Clawson four months earlier, with no legal repercussions. Scarberry's paper ran the picture, as did other state papers and AP. Scarberry received a court summons for contempt and a three-day jail sentence, which he served. (News Photographer, December, 1976.)

> A photographer for a city paper is asked to cover a court hearing of a man convicted of murder. Aware of Canon 35s ruling that no pictures are to be shot in the courtroom during the proceedings, he checks to see what his limitations are. The judge and bailiff tell him that no photographs are to be taken in the courtroom. An Associated Press (AP) photographer had taken pictures of the same trial four months earlier by photographing into the courtroom from the hallway before proceedings began. There were no legal repercussions. This photographer does the same. He shoots a picture of the defendant seated with his attorney before the court commences, from the hallway. The paper runs his photographs as does AP. He is cited for contempt and serves three days in jail. At no time during the judge's definition of the photographer's boundaries did he mention the hallway as a restricted area.

This case drew the most obvious distinctions between the two professional schools' orientations. A high percentage of all the journalism students said that it was ethical to take the picture with the IVC class having the highest positive response (81%) (Table 1). The two advanced journalism classes had positive

responses of 76% and 60% respectively (Table 1), with the "Yes" responses falling off as the classes had more training in journalism law, perhaps reflecting an awareness of Canon 35 and all its ambiguities.

Surprisingly enough, the BegL class had a 61% rate of positive response on the ethics involved in this situation. The AdvL class drew a much harder line, with 68% of the class saying that the photographer's actions violated the law (Table 1).

In all classes the relation between the ethical and the action decisions was highly significant. Those who said it was ethical to take the picture also would take it themselves, in roughly the same percentages as the ethical decision.

All classes gave an interpretation of the law as the reason for their response, although the interpretations differed. The journalism students generally stated that the judge had made no distinction about the hallway or that Canon 35 was wrong. The law students, especially the AdvL class, said that the photographer had violated the spirit of the law and therefore his actions were wrong. The BegL class was somewhat mixed in their interpretation of the ruling perhaps reflecting their "Yes" response. They have not had constitutional law or professional ethics where these issues are discussed.

There was a significant difference in the uncertainty levels of both the ethics and actions decisions in the AdvL class. Those who answered "No" to both ethics and action were fairly certain of the response (60%)($p < .02$)(Table 12), while

those who answered "Yes" experienced a higher level of uncertainty about that decision (44%)($p < .05$)(Table 13). This suggests that the "No" response could have been much higher and a much stronger distinction made between the AdvL class and the BegL class.

The visual treatment seemed to make some difference in two of the classes. In the AdvMCL class people seeing the picture tended to say that it was not ethical while those not seeing the picture tended to say that the photographer's actions were ethical. Perhaps seeing the picture of the defendant jogs one's conscience about a fair trial.

The picture also seemed to make the respondents in the BegL class more uncertain about their decision. Both the visual and the nonvisual group were fairly uncertain about their responses but the visual group expressed a mean uncertainty of 44% compared to 56% for the nonvisual group, suggesting that the courtroom scene caused them some conflict. There was also a wide range in their ethics-actions response -- 61% said the photographer's action was ethical while only 47% said they would actually take the picture (Table 1).

Sex made a difference in the IVC class. More men than women said they would follow a similar course of action. 94% of the men said they would have taken the courtroom picture compared with only 58% of the women, suggesting the men were less concerned about the repercussions or had stronger views on the Canon 35 controversy or identified with the male photographer's position (Table 15).

TABLE 12 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 4 ETHICS DECISION FOR ADVANCED LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	38	60.4	2.27	.02
Yes	18	44.4		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 13 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 4 ACTION DECISION FOR ADVANCED LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	39	59.6	1.98	.05
Yes	16	44.8		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 14 THE RELATIONSHIP BETWEEN THE VISUAL UNCERTAINTY AND THE NON VISUAL UNCERTAINTY OF BEGINNING LAW STUDENTS FOR THE CASE 4 ETHICS DECISION

Group	Number of Cases	Mean*	T Value	p Value
Non Visual	27	56.9	1.99	.05
Visual	27	44.2		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 15 ACTION DECISION IN CASE 4 BY SEX FOR INTRODUCTION TO VISUAL COMMUNICATION STUDENTS

	Action Decision		
Sex	No	Yes	Total
Male	1	16	17
Female	12	17	29
Total	13	33	46

Corrected Chi square = 5.02 ($p < .02$)
Kendall's Tau B = -.38 ($p < .001$)
Contingency Coefficient = .355

Case 5

In 1976, John Lapinot, chief photographer of the Palm Beach Post, Florida, shot eight rolls of film at an area hospital's open-heart unit. The pictures were never used, and a story was not published, because the operation he was covering was not considered successful. He was in the operating room at the consent of the patient, the doctors, and the hospital because all had agreed to cooperate in a news-feature story on the open-heart unit that was being established at the hospital. Two years later his editor, Thomas A. Kelley, was ordered by a judge to turn over the 274 negatives of the 1976 operation because it was the subject of a medical malpractice claim. Kelley turned over the negatives deciding that, because of the futility involved, the case was not "the one to make the supreme legal effort," and the assumption that, "These are not exactly the best of times for the Bill of Rights in the nation's courtrooms."

> A photographer shoots an open-heart surgical procedure at a hospital for a news feature story on the hospital's open-heart unit. He is in the operating room at the consent of the patient, the doctors, and the hospital. The operation is not successful and the editor decides not to publish the story of the pictures. Later, the procedure becomes the subject of a medical malpractice claim and the editor is ordered by a judge to turn over the negatives. He does so.

This case was separated into two questions: first, did the editor act ethically in not publishing the story or pictures, and secondly, did the editor act ethically in turning over the negatives?

In all classes at least 75% of the respondents said that the editor did indeed act ethically in not publishing the story or printing the pictures. The positive response increased steadily as the level of the classes increased. The journalism classes averaged about a 78% "Yes" response and the law classes averaged almost a 95% "Yes" response (Table 1). Most of the reasons given were that the "Editor had a Moral Obligation to the family not to publish" although a scattering of respondents who said "No" stated that it was the "Editor's Right to Publish because all parties had given their prior consent and an operation's failure is a newsworthy event that should be reported to the public."

In all cases the "action" response was consistent with the ethics response, with the number of people saying they also would not publish the story increasing as the classes became more advanced. Responses ranged from 56% in the IVC class to 81% in the advanced law class (Table 1), indicating a stronger definition with ethics as training increased. The law classes as a group were higher than the journalism classes, suggesting an even stronger association with individuals' privacy rights in the legal profession.

There was a larger spread between ethics and action in all classes here than in the previous four cases, indicating that perhaps, while they overwhelmingly stated that the editor was right in not publishing the story on moral grounds, there was an element of doubt about their own actions. That the parties involved had given their consent and that the public is a consumer of

medical services who has a right to know about medical procedures were indicated as reasons and may have been a factor in the lower ethical response. This trend was indicated across the board although it was much stronger in the journalism classes than the law, perhaps reflecting their orientation with the journalist's watchdog rule.

There were no remarkable findings on uncertainty or the visual-nonvisual treatment, nor did sex make any difference in the responses.

Respondents were then asked whether the editor acted ethically in turning over the negatives. Again, the general trend in all classes was that he was correct in releasing the negatives. Almost all fell back on the reason that "he was required to do so by law."

The IVC class and the law classes had the highest positive responses, ranging from 85% (IVC) to 93% (AdvL), perhaps reflecting the beginning journalism students' unfamiliarity with the free speech-free press issues in mass communication ethics (Table 1). It is consistent that the law classes would score high on this because it is the law that they are being trained to protect. The AdvL class was slightly higher than the BegL class again reflecting their greater definition with legal ethics.

The advanced journalism classes were lower in the "Yes" response rather (both 70%) (Table 1), perhaps reflecting their orientation that the law should not interfere with the rights of

journalists. Many people in those two classes verbally stated this position as the reason for their decision.

While the AdvMCL class said that the negatives should have been turned over (70%), they also had a high degree of uncertainty about their decision (mean 49.3)($p < .01$), again reflecting their orientation that the law shouldn't intercede in the domain of the journalist (Table 16). Many also suggested that prints be released as evidence rather than the negatives.

This class also had the widest split on ethics (70%) and their concurring action response (55%)(Table 1). Although the majority said the editor was right in turning over the negatives only half of those replying said they would have actually done so themselves, again attesting to their uncertainty about this issue. The remaining classes were consistent in their ethics-action response (Table 1).

Sex made no class by class difference in this case.

Case 6

On September 16, 1972 the Florida Times-Union published a photograph of a silhouette left on the floor after removal of a body from a burned-out home. The body was that of Cindy Fletcher, 17-year-old daughter of the plaintiff, who was away from home at the time of the fire. She learned of her daughter's death by viewing the published photograph. At trial, Florida Publishing Co. argued that consent to enter private property was implied by common custom, usage, and practice under these circumstances. The judge agreed and granted summary judgment

TABLE 16 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 5 EDITOR'S ETHICAL DECISION TO RELEASE THE NEGATIVES FOR MASS COMMUNICATION LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	6	80.6	2.63	.01
Yes	14	49.3		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

for the newspaper, and the appellate court upheld that decision. Florida Publishing v. Fletcher 319 So. 2d 100 (1976).

> A newspaper photographer accompanies police with their permission into a burned-out private home and takes a picture of a woman's body. No homeowner was present at the time to give permission for photographing the scene. It is however, normal procedure for reporters and photographers to accompany police to scenes of fires and disasters. The woman's husband hears of her death when he sees the picture in the newspaper.

This case was divided into two parts: the ethics of actually taking the picture and the ethics of publishing the picture.

There was a range of 75-79% of ethical "Yes" responses for the photographer's actions among all the classes except the AdvMCL class which had an 85% positive response. This is consistent with that class' assessment of "high newsworthiness" for the situation.

On a five point scale, with five being very newsworthy, 35% of this class indicated a 4 or 5 rating. This may seem to be a low percentage but among the other classes most of the responses were toward the lower end of the scale, indicating that most people did not think this was a very newsworthy situation. However, many did say it was all right to take the picture, although few said they'd publish it. The ratings of "not newsworthy" increased in the law classes. Although 16% of the BegL class gave a "4" response, 60% of this same class had a "1-2" rating. The AdvL class had a composite average of 72% in the "1-2" categories deeming it very unnewsworthy.

In spite of this, the number of "Yes" responses increased in the AdvL class as did the number of people in this group who

said they would follow a similar course of action. Thus, there does not seem to be an association between newsworthiness and ethics-actions decisions in the law classes, perhaps reflecting their unfamiliarity with this concept as an ethical professional determinant.

There was a relationship between the number of "Yes" responses and the rating of newsworthiness among the journalism classes, however. Generally, as the ranking of newsworthiness increased so did the percentage of "Yes" ethics responses within the classes. The IVC class had a lower newsworthiness rating and a concurrently lower "Yes" response rate than the upper level journalism classes. The most senior level journalism class (AdvMCL) had the highest newsworthiness rating and the highest "Yes" ethics response rate.

All classes stated "photographer's right" as the primary reason for their response, which is consistent with their decision that the photographer's actions were ethical. The AdvMCL and BegL classes also indicated newsworthiness.

Again there was a consistency in the ethics-action responses. As in Case 5 (where they were asked if the editor was ethical in not publishing the story), a smaller percentage of the respondents in each class said they would actually carry out a similar course of action themselves. The most senior level journalism class (AdvMCL) deviated from this norm; 90% said they would do the same while only 85% said the photographer's actions were ethical (Table 1). However, this is consistent with this class's definition of newsworthiness for this case.

When asked whether it was ethical to actually publish the picture the majority of the respondents said "No" in all classes. This tendency increased as the amount of training increased in each profession with the exception of the AdvMCL class. There, although the tendency was still "No," the response rate dropped by five percent from the MCL class (Table 1). This finding is again consistent with that class' higher rating of newsworthiness.

The law classes had a higher "No" response than the journalism class and a concurrently lower newsworthiness rating. The AdvL class was slightly higher than the BegL class in their opinion that the picture should not have been published (Table 1).

In all classes more people said they would not have published the picture themselves. All respondents said they made their decision because there had been no prior consent or notification of next of kin.

The MCL class and the BegL class expressed a significant difference in the degree of uncertainty about their ethical responses. Although the majority of MCL people said "No" with a low degree of uncertainty ($p < .02$), the small sample group saying "Yes" expressed a high degree of uncertainty about their decision indicating perhaps an indecision over newsworthiness, standard journalism procedure and the lack of consent (Table 17).

The BegL class experienced the same uncertainty trend. The majority said "No" with a low degree of uncertainty ($p < .01$), but the small group saying "Yes" were very uncertain about their response (Table 18), perhaps again reflect-

TABLE 17 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 6 ETHICS DECISION OF PUBLISHING THE PICTURE FOR MASS COMMUNICATION LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	31	69.4	2.43	.02
Yes	6	40.6		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 18 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 6 ETHICS DECISION OF PUBLISHING THE PICTURE FOR BEGINNING LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	46	67.5	2.57	.01
Yes	8	42.8		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

ing a battle between newsworthiness and consent, the two reasons they stated for their decision. In this class 36% of the respondents gave this case a newsworthiness rating of "three" or "four" on the five point scale, wile 14% indicated four.

There was no significance between the visual-nonvisual treatment or between sex and publishing the picture.

Case 7

Bill Murphy, a photographer for the Oregon Journal (Portland) was driving to work early one morning. His route took him over a bridge crossing the Columbia River. He spotted a man and woman struggling near the railing. He got out of his car and realized the man was going to jump. A bicyclist passed by oblivious to the events. He tried to stop the man, talking to him as he had once observed a suicide prevention squad in Boston do successfully in a similar situation. He didn't rush toward the man for fear he would jump. Instead, he told a passer-by to summon the police whom he had seen at the end of the bridge. The man jumped. Murphy shot five frames. His pictures were run in Portland and picked by United Press International. Afterwards he received threatening letters and phone calls from people who thought his actions were unethical. He has been haunted by the experience ever since.(News Photographer).

> A photographer is driving across a bridge spanning a major river on his way to work when he spots a man about to jump from the railing. He gets out of his car and tries to aid the woman who is pleading with the man not to jump. A bicyclist passes by, oblivious to the drama taking place. The photographer hails a passing motorist and tells her to summon the police he had seen at the end

of the bridge. He tries talking to the man, recalling that a suicide prevention squad had used the same technique before with success. He doesn't rush the man, for fear he will jump. The man jumps anyway, and the photographer shoots five frames. His pictures are run in the metro paper and later are picked up by UPI.

This case caused all the sample groups difficulty. Although the trend among classes was to say that the photographer's actions were ethical, most people were stunned that he actually took the picture. Almost all respondents remarked that "the photographer tried to help the man first and then took the picture" and it was this sequence of events that made the photographer's actions ethical.

"Yes" responses ranged from 87% in MCL to 100% in AdvMCL. IVC said 90% "Yes" and the law classes 91% (BegL) and 95% (AdvL) (Table 1). Generally, in all classes, if the person indicated that the photographer's actions were ethical, the respondent would also take the picture. As in cases 5 and 6 though, where there was moral responsibility involved, the "Yes" action responses were lower than the ethical decision (Table 1).

This was most noticeable in AdvMCL. Of the 100% who said that the photographer was ethical only 65% said they would do the same thing (Table 1). Interestingly, this class was the only one which exhibited no significant uncertainty about this decision.

In the remaining classes, while a large number said they would take the picture and had a low level of uncertainty about that decision, those who said "No" exhibited a high level of uncertainty. [IVC — Table 19 ($p < .01$), MCL -- Table 20 ($p < .01$),

TABLE 19 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 7 ACTION DECISION OF TAKING THE PICTURE FOR INTRODUCTION TO VISUAL COMMUNICATION STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	11	43.9	-2.47	.01
Yes	39	35.2		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 20 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 7 ACTION DECISION OF TAKING THE PICTURE FOR MASS COMMUNICATION LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	9	37.8	-2.48	.01
Yes	28	59.9		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

BegL -- Table 21 ($p < .02$), AdvL -- Table 22 ($p < .01$)].

There was a high "newsworthiness" rating among all the classes and this may account for some of the uncertainty associated with the "No" responses. Thos who were morally opposed to the actions may also have thought that it was still newsworthy and as such deserved some consideration. The AdvMCL class had the highest newsworthiness rating which is consistent with its 100% ethical "Yes" response and low uncertainty about its decisions.

There was a difference between sexes in three of the classes. In the IVC class all the males said "Yes" to the action question. One-third of the women said they would not take the picture (see Table 23).

In BegL the women were almost evenly split on their action "Yes-No" response, while 82% of the men said they would take the picture (Table 24). There was no relationship between uncertainty and sex.

However, in AdvL the women were significantly more uncertain about their ethical response ($p < .003$) (Table 25). Both sexes said "Yes" to the ethics and the action decision, but both sexes exhibited a high degree of uncertainty about those decisions. Clearly, the case had an impact on the majority of the classes who were quite possibly torn between the morality on a personal level and the newsworthiness on a professional level.

The visual treatment did not significantly affect any

TABLE 21 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 7 ACTION DECISION OF TAKING THE PICTURE FOR BEGINNING LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	16	40.0	-2.35	.02
Yes	38	54.8		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 22 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 7 ACTION DECISION OF TAKING THE PICTURE FOR ADVANCED LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	15	37.0	-2.61	.01
Yes	41	56.6		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 23 ACTION DECISION FOR TAKING THE PICTURE IN CASE 7 BY SEX FOR INTRODUCTION TO VISUAL COMMUNICATION STUDENTS

	Action Decision		
Sex	No	Yes	Total
Male	0	17	17
Female	9	18	27
Total	9	35	44

Corrected Chi square = 5.22 ($p < .02$)
Kendall's Tau B = -.40 ($p < .001$)
Contingency Coefficient = .37

TABLE 24 ACTION DECISION FOR TAKING THE PICTURE IN CASE 7 BY SEX FOR BEGINNING LAW STUDENTS

Sex	Action Decision: No	Yes	Total
Male	6	28	34
Female	9	10	19
Total	15	38	53

Corrected Chi square = 3.94 ($p < .04$)
Kendall's Tau B = -.31 ($p < .01$)
Contingency Coefficient = .30

TABLE 25 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 7 ETHICS DECISION OF TAKING THE PICTURE FOR ADVANCED LAW STUDENTS

Sex	Number of Cases	Mean*	T Value	p Value
Male	36	59.2	3.07	.003
Female	21	38.7		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

responses that the sample group made regarding the actual taking of the picture. Nor did it make any difference when the sample group had to make decisions about whether the picture should have been published.

As a group, the journalists had a higher positive response when asked whether it was ethical to publish the picture (an average of 75% among the classes, Table 1) than the law students did (68%). This was lower than the 93% average among all the classes for the ethics response (see Table 1). Although majority opinion stated that the picture should be published because it was "newsworthy" many said that they would hesitate to publish it out of regard for the family.

There was a high association between the respondents' own actions about publishing and the decisions they made about the editor's action. In all classes, the respondents were more conservative about their own actions, but they still said they would publish. (See Table 1.)

There was a significant difference in the level of uncertainty expressed by the different sexes in the senior level classes of both professions, perhaps reflecting a dilemma between the emotional and moral aspects of publishing a suicide picture and the professional aspects of newsworthiness.

In AdvMCL and AdvL the women expressed a higher level of uncertainty than the men (AdvMCL, $p < .02$; AdvL, $p < .04$). In the journalism class the men had less uncertainty about their decision (Table 26) and in the AdvL class the males also expressed a lower level of uncertainty, but less so than the

TABLE 26 THE RELATIONSHIP BETWEEN UNCERTAINTY AND SEX OF ADVANCED MASS COMMUNICATION LAW STUDENTS FOR THE CASE 7 ETHICAL DECISION OF PUBLISHING THE PICTURE

Sex	Number of Cases	Mean*	T Value	p Value
Male	12	66.0	2.50	.02
Female	8	39.2		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

females (Table 27).

This uncertainty level is expressed in the "Yes-No" response the different sexes gave for their ethics-actions decisions. Most men said "Yes" to both decisions while most women said "No" to the two questions (Tables 28 and 29). While the men were uncertain about their "Yes" response the women were more uncertain about their "No" decision ($p < .04$, see Table 27).

The AdvL class experienced a high degree of uncertainty ($p < .04$) about this action. The "Yes-No" response was almost evenly split, with both groups experiencing a high level of uncertainty. The "No" respondents were more uncertain (Table 30). As this class indicated "newsworthiness" as the reason for its decision about the editor's action, perhaps newsworthiness was also a consideration for the respondents' own actions. Although it was not strong enough to give this group a high "Yes" response it could have contributed to their uncertainty.

Case 8

A reporter visited the West Virginia home of a man who had been killed in a local accident a year earlier. While the wife of the deceased was away, he interviewed and photographed the children without her permission. He wrote the story and included in it direct quotations from the mother (whom the reporter had not interviewed), made references to the family as "hillbillies", and made explicit references to the family's abject poverty. The Cantrell family sued claiming that the publication, which included false information, made them objects of pity and

TABLE 27 THE RELATIONSHIP BETWEEN UNCERTAINTY AND SEX OF ADVANCED LAW STUDENTS FOR THE CASE 7 ETHICAL DECISION OF PUBLISHING THE PICTURE

Sex	Number of Cases	Mean*	T Value	p Value
Male	36	47.8	2.04	.04
Female	21	34.4		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 28 ETHICS DECISION FOR PUBLISHING THE PICTURE IN CASE 7 BY SEX FOR BEGINNING LAW STUDENTS

	Ethics Decision		
Sex	No	Yes	Total
Male	5	29	34
Female	12	9	21
Total	17	38	55

Corrected Chi square = 9.05 ($p < .001$)
Kendall's Tau B = -.44 ($p < .001$)
Contingency Coefficient = .407

TABLE 29 ACTION DECISION FOR PUBLISHING THE PICTURE IN CASE 7 BY SEX FOR ADVANCED LAW STUDENTS

	Action Decision		
Sex	No	Yes	Total
Male	12	23	35
Female	15	6	21
Total	27	29	56

Corrected Chi square = 5.84 ($p < .01$)
Kendall's Tau B = -.35 ($p < .001$)
Contingency Coefficient = .338

TABLE 30 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 7 PICTURE OF PUBLISHING THE PICTURE FOR ADVANCED LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	27	35.9	-2.10	.04
Yes	29	49.4		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

ridicule. (Cantrell v. Forest City Publishing Co., 955 S. Ct. 465)

> A reporter visited a private home to do a follow-up story on a man who had been killed in an unusual accident a year earlier. The wife of the deceased was away, and without her permission, he interviewed and photographed the children. Included in the story were direct quotations from the absent mother and a make-believe but sympathetic narrative about the family's poverty and sadness.

The entire sample group said that the reporter was unethical in his actions. All stated reasons of "irresponsible journalism and lack of consent." The MCL, AdvMCL, and BegL classes had a 100% "No" response. The IVC class and the AdvL class had responses of 96% "No" or higher.

Both the AdvMCL class and the BegL class had a 100% response that they would not follow the reporter's actions, making a perfect positive relationship between the ethics-actions decisions for these two sample groups. All the IVC class said they would not take the same action, although four percent said that the reporter's actions were ethical. The AdvL class was consistent with a 98% "No" response in each decision.

Respondents were very definite about their decisions in this case. There were no differences between sample groups seeing the pictures and those not seeing them, nor were there any differences between sexes.

Case 9

Mohammad Ali sought an injunction against Playgirl magazine to withdraw the February 1978 issue from circulation, recover copies then for sale, and surrender printing plates used to

reproduce a portrait recognizably that of Ali in that issue.

> A magazine publisher used a posed drawing of a nude model whose likeness is recognizable as a former heavyweight boxing champion's. The former champion is not identified by name nor did he give his consent for the drawing. The drawing is accompanied by a plainly fictitious piece of doggerel.

Most respondents said that the publisher's actions were not ethical with the strength of the "No" response increasing as the level of training in each profession increased (IVC: 68%, MCL: 67%, AdvMCL: 95%, BegL: 83%, AdvL: 84%). The AdvMCL class had a higher negative response rate (95%) than either of the law classes perhaps suggesting that by studying both sides of the issue they were able to make a much stronger negative response (Table 1).

"Invasion of privacy" was stated as the principal objection in all classes. Both law classes made finer distinctions however. The BegL class also considered the actions "irresponsible journalism" and the AdvL class also noted that the boxer's "consent" was not granted.

Again there was a high positive association between ethics and action. Generally, if people said that it was unethical they also would not carry out a similar action. In IVC, MCL, BegL, and AdvL the number of respondents saying they would not carry out a similar course of action was at or greater than the number of negative ethical responses (Table 1). In AdvMCL there was a 5% reduction in the number of people who said they would not carry out the similar action but it was still in the 90% range.

Three of the five classes experienced a significant degree of uncertainty between the "Yes-No" responses. In IVC most said "No" with a low degree of uncertainty about the publisher's ethics ($p < .001$), but the small group who said "Yes" had a high degree of uncertainty (Table 31).

The BegL class exhibited the same trend. Most respondents said "No" with a low degree of uncertainty about the publisher's ethics but the few saying "Yes" had a very high degree of uncertainty ($p < .001$, Table 32).

Within this BegL class the men exhibited more uncertainty than the women ($p < .04$), the only case where this finding was true (see Table 33). The majority of respondents in the BegL answered "No" for both ethics and action but the data suggests that the men may have been considering a positive response regarding the publisher's use of the boxer's likeness. The women were fairly definite about their negative response (mean, 68).

The AdvL class repeated the trend exhibited by the IVC and BegL classes on their ethics decision. Most said "No" with a low uncertainty while the few saying "Yes" exhibited a high level of uncertainty ($p < .001$, see Table 34).

It is interesting to note that the three classes (IVC, BegL, AdvL) that had a higher number of respondents say "No" to their action decision than to their ethics decision, also exhibited the highest level of uncertainty about their ethical "Yes" response. Many of these people could have said "No" indicating that the ethics-action association could have been much closer.

TABLE 31 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 9 ETHICS DECISION FOR INTRODUCTION TO INTRODUCTION TO VISUAL COMMUNICATION

Response	Number of Cases	Mean*	T Value	p Value
No	34	66.8	2.71	.009
Yes	16	42.3		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 32 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 9 ETHICS DECISION FOR BEGINNING LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	45	63.4	3.30	.002
Yes	9	36.1		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 33 THE RELATIONSHIP BETWEEN UNCERTAINTY AND SEX FOR BEGINNING LAW STUDENTS IN THE CASE 9 ETHICS DECISION

Sex	Number of Cases	Mean*	T Value	p Value
Male	34	53.7	-2.10	.041
Female	19	68.3		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

TABLE 34 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 9 ETHICS DECISION FOR ADVANCED LAW STUDENTS

Response	Number of Cases	Mean*	T Value	p Value
No	47	59.6	3.02	.001
Yes	9	34.0		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

There seemed to be a stronger association in the advanced journalism classes where publishers' rights and the issues of journalistic privacy had been discussed in class.

Case 10

While driving to an assignment on March 25, 1977, Harvey I. Lashin, a Newark Star-Ledger photographer spotted an overturned car on the shoulder of the Garden State Parkway in New Jersey. After parking the car, Lashin began photographing the scene of the accident in which one woman died and another was injured. He was arrested and held incommunicado for more than an hour. He claimed that he did not interfere with the police and that authorities violated his constitutional right to photograph an accident. The police claimed they arrested him because his photographing was "disorderly conduct" and hindered their efforts at crowd control. He further claimed that he remained the requested distance away when he was photographing. He testified that he stayed at the scene because "the news event was not over" and there might have been a rescue attempt that he could photograph.

> A newspaper photographer with an accredited press pass issued by the state police spots an overturned car on the shoulder of a major highway while driving to an assignment. He begins photographing the scene of the accident in which a woman died and another was injured. The police arrested him and held him incommunicado for more than an hour. He claimed he did not interfere, remaining as far away from the scene as required by the police officer.

The majority of respondents in each subject group said that the photographer's actions were ethical. The journalism classes had a higher positive response rate than the law students (average

95% to 84%, see Table 1). The journalism students gave "photographer's right" or "newsworthiness" as the reason for their decision while the law students gave "irresponsibility" as well as rights and newsworthiness. The irresponsibility no doubt contributed to the lower response indicated by the law group.

The MCL class had the highest "Yes" response (97%). This could be associated with their close familiarity with the journalists' rights and issues they discussed in case law.

In the AdvMCL class the men were very certain of their response while the women had a high level of uncertainty ($p < .02$, Table 35). It may have been an emotional decision; a woman was the accident victim, and the men may have been angered by the photographer's treatment by the police. The law students exhibited no differences between the sexes.

There was a strong association between the ethical decision and the action decision (Table 1). In every class, a correspondingly high number of respondents said they would carry out the same action as the number who said the photographer was ethical. However, in no class did the action "Yes" response exceed the ethics "Yes" responses, indicating, as in so many other cases, that the students themselves were much more cautious about their own actions.

The visual treatment made no significant difference in this case.

TABLE 35 THE RELATIONSHIP BETWEEN UNCERTAINTY AND THE CASE 10 ETHICS DECISION FOR ADVANCED MASS COMMUNICATION LAW STUDENTS

Sex	Number of Cases	Mean*	T Value	p Value
Male	12	85.9	1.78	.02
Female	8	55.8		

*Note: 0 = highest uncertainty score
100 = lowest uncertainty score

Conclusion

Although this study shows that there are some fairly well-defined differences between journalism students and law students in their professional attitudes toward ethical situations in journalism, there is a need for further research. At the student level the differences are not as great as public opinion would have one believe nor are those attitudes completely set. Moreover, attitudes seemed to be more similar between the two professions at the outset of study and when both subject groups were familiar with the ethical issues and conflicts involved.

This raises the question of education. A concerted effort by both professions to educate their members about both sides of the issues could result in a more reasoned understanding between the two professions. Those law students who had had a journalism background (N=3) had attitudes and responses that were sensitive to both sides of the issues.

That the professions become more oriented over time to a unique viewpoint is evidenced by both the differences between beginning and senior level students, and by the differences exhibited between this study and the Mundt and Broussard study. A similar study making comparisons between practicing attorneys and student lawyers and between practicing attorneys and professional journalists would be beneficial.

If this study is any indication, the practicing attorneys would be more conservative in their attitudes than their student colleagues.

The differences between the practitioners in the two fields would most likely be even more pronounced than those indicated by the students in each field because the attitudes would be firmly set by on-the-job experience.

That familiarity with the issues plays a crucial part in the decision-making process is evidenced by the level of uncertainty exhibited by the different sample groups. Those who were familiar with case law had less uncertainty about their decisions and seemed to exhibit a more reasoned response. This supports the need for more cross-professional education.

It was surprising to the authors that the visual representation did not make more difference than it did. Yet the reasons given in the few cases where it did make a difference are interesting and are perhaps one of the most important findings of the study. Most respondents commented that the picture was not as offensive as the copy had led them to believe. The picture, then, was a moderating influence.

This reinforces the need to be very careful about picture editing and selection in potentially sensitive situations; something a good photo editor knows well.

As an example, the court picture in Case 4 was deemed "not ethical" by many respondents who saw it, while the hospital picture in Case 5 was considered ethical by those who viewed it. Both decisions turned on a point of law and thus show that a picture must be very carefully selected in a controversial situation.

Even if photographs are selected with the best of care and judgement, there will be problems of interpretation. Past experience or instinct are the only tools a person has when making these difficult and potentially far-reaching decisions.

That this is a very real concern in day to day journalism and photojournalism is indicated by Oregon Journal photographer Bill Murphy's experience with a suicide victim. (Case 7). In a taped telephone interview, Murphy described how he was torn between his duty and obligation as a news photographer and his humanistic instincts to help the man. He did both, documenting the man's lunge to his death after he tried to save him. However, the repercussions he has had afterward from the public make him doubt whether he would ever shoot such a picture again.

As a professional, this realization bothers him. "I would be shrugging my duty not to take the picture--it would be unfair to my paper, which I have an obligation to; but no, I don't think I would do it again."

Murphy cited public attitude as the biggest reason for his decision. He received hate mail, threatening phone calls, and his wife and family were subject to threats.

Murphy also stated that papers have an obligation to back their photographers and reporters when they send them out on potentially controversial assignments or expect them to come back with something they have run across in the scope of their daily work. He said that many papers fail to do this and leave their staff out on a limb.

He thought it would be helpful if papers could state in writing how far they would be willing to back their staff or set some kind of guidelines because it can be construed as a form of self-legislation or censorship. "It's six of one and half a dozen of another," he said. "If we don't, someone else will."

In fact that this is a concern for a working journalist is sufficient cause for continued, if not greater, attention to journalism ethics in journalism schools. These issues are going to continue to appear for the working photographer and today there is only a very small section devoted to the photojournalist in most journalism case law texts.

This may be because the problems are only a relatively recent phenomena. Murphy dates the press photographer's problems with the law and the courts to the 1960's and the national attitude of "everybody out for themselves." It was during this decade, too, that press photography gained national prominence as a very visible form of mass communication.

Out of this has come a system of "after the fact" guidelines for the press. There is some reason to think that if there were a set of defined standards for the profession before behavior was challenged, someone wouldn't take it upon themselves to legislate the profession by law. However, self-imposed legislation and censorship is the very antithesis of the American press' fundamental principles. The standards that were set by constitution right have served the profession well for 200 years. The larger question is why aren't those standards working now? Moreover, why does society need to legislate so much behavior and action?

Is it because this truly is an era, as Bill Murphy states, of "everyone out for themselves?" If that is the case, then it is a problem for all of American society to examine, not just the journalism profession. The problems experienced by the journalism profession are merely the tip of a larger, deeper problem. It would be a consummate tragedy to endanger the fundamental principles of democracy and the freedoms this country takes for granted because of society's self-indulging interests.

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